



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, New York 10007*

January 27, 2022

BY ECF

The Honorable Katherine Polk Failla
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

The Honorable George B. Daniels
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

The Honorable Sarah Netburn
United States Magistrate Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *John Does 1 Through 7 v. The Taliban et al.*
No. 20 Misc. 740 (KPF);
In re Terrorist Attacks on September 11, 2001
No. 03 Md. 1570 (GBD) (SN);
Havlish et al. v. Bin-Laden et al.
No. 03 Civ. 9848 (GBD) (SN)—Participation of the
United States Pursuant to 28 U.S.C. § 517

Dear Judge Failla, Judge Daniels, and Judge Netburn:

The United States of America (the “United States” or the “Government”) writes respectfully to request additional time to file a Statement of Interest regarding the writs of execution served by the plaintiffs in the above-referenced cases on certain accounts at the Federal Reserve Bank of New York (“FRBNY”) held by Da Afghanistan Bank (“DAB”). The Government’s Statement is currently due on January 28, 2022. *See Doe v. The Taliban*, No. 20 Misc. 740 (KPF) (ECF No. 44); *Havlish v. Bin-Laden*, No. 03 Civ. 9848

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(GBD) (SN) (ECF No. 549). The Government requests that it be permitted until February 11, 2022, to file its Statement in these cases. This is the Government's second request for an extension of this deadline; the Court granted the first request. The undersigned has conferred with counsel for the *Doe* and *Havlish* plaintiffs, who indicated that they consent to the requested extension.

Over the past several weeks and months, the Government has continued to actively consider the many complex and important issues relating to the status and attachability of the DAB assets subject to the writs. The Government's analysis includes consideration of, among other things, the *Doe* and *Havlish* plaintiffs' claims; the issues raised by the Court in *Faulkner v. Bin Laden et al.*, No. 09 Civ. 7055 (GBD) (SN) (ECF No. 208); other developments in *In re Terrorist Attacks on September 11, 2001*, No. 03 Md. 1570 (GBD) (SN), and its member cases; the still-evolving situation regarding Afghanistan, including humanitarian concerns; and foreign policy and diplomatic matters entrusted to the executive branch. Full consultation on these matters is ongoing, requires the significant involvement of numerous senior officials and executive agencies and components (including but not limited to the Department of State and the National Security Council), and has been receiving urgent attention at the highest levels of Government. The Government requires additional time to complete this consultation and review process, prepare a submission, and obtain necessary approvals within the involved agencies and the Department of Justice.

The Government submits that the additional time requested will not prejudice the plaintiffs in these matters, given that the DAB accounts at FRBNY are currently subject to and restrained by the plaintiffs' writs, which have been extended until further order of the Court. *See Doe*, No. 20 Misc. 740 (KPF) (ECF No. 41); *Havlish*, No. 03 Civ. 9848 (GBD) (SN) (ECF No. 551).

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The United States appreciates the Court's consideration of this letter.

Respectfully,
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United States Attorney

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cc: All counsel of record (via ECF)

Application GRANTED. The Government shall have until February 11, 2022, to file a Statement of Interest concerning this matter.

The Clerk of Court is directed to terminate the pending motion at docket entry 47.

Date: January 28, 2022
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE